



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 1287-99

18 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 23 May 1980 at the age of 18. Your record reflects that you served for a year and six months without incident but on 9 November 1981 you received nonjudicial punishment (NJP) for making a false official statement and were awarded forfeitures totalling \$100 and reduction to the next inferior paygrade. The reduction was suspended for six months.

On 11 November 1983 you received NJP for an eight day period of unauthorized absence (UA) and missing the movement of your ship. The punishment imposed was restriction and extra duty for 15 days and reduction to paygrade E-3, which was suspended for four months.

Your record further reflects that on 16 May 1985 you were convicted by special court-martial (SPCM) of two periods of UA totalling 431 days. You were sentenced to reduction to paygrade E-1, confinement at hard labor for 45 days, a \$800 forfeiture of

pay, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and ordered executed. On 7 February 1986 you received a BCD.

The Board, in its review of your entire record and application considered all mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded. The Board also considered your good post service conduct and letters of character reference. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your frequent and lengthy periods of UA. Given all the circumstances of your case the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director